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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 1, 2001

BY COURIER

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

EX PARTE

Re: *Notice of Permitted Ex Parte Presentation by BroadRiver Communication Corporation in CC Docket No. 96-98*

Dear Ms. Salas:

Pursuant to Sections 1.206(b)(1) and (2) of the Commission's Rules, BroadRiver Communications Corporation ("BroadRiver"), by its attorneys submits this notice of a permitted oral *ex parte* presentation, and permitted written *ex parte* materials distributed, in the above captioned proceeding. On February 28, 2001, Mr. Mark Brown, Mr. Michael Huebner, and Erik Cecil, on behalf of BroadRiver met with Jodie Donovan-May and Tom Navin of the Common Carrier Bureau Policy and Program Planning Division.

During the presentation, the parties discussed matters related to (1) the availability of enhanced extended links ("EELs"), (2) measurement of local exchange traffic over EELs, and (3) current methods of ordering and obtaining EELs. The attached materials were provided in the meetings. BroadRiver also provides, at page 8 of the enclosed materials, additional information addressing issues referenced during the meeting.

Mark Brown
L.L.A.S.C.D.E. 074

March 1, 2001

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Please contact the undersigned if you have any questions about this matter.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Erik J. Cecil". The signature is fluid and cursive, with the first and last names being more prominent.

Erik J. Cecil

***Counsel to BroadRiver Communication
Corporation***

Enclosure

cc: Janice Myles, Common Carrier Bureau Policy and Program Planning Division
Jodie Donovan-May, Common Carrier Bureau Policy and Program Planning Division
Tom Navin, Common Carrier Bureau Policy and Program Planning Division

ALLOW NEXT GENERATION NETWORKS TO
ENHANCE AND EXTEND LINKS
CC DOCKET 96-98



PRESENTED AT FCC COMMON CARRIER BUREAU

FEBRUARY 28, 2001



BroadRiver Communication Corporation

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- "UNBUNDLING" AN EEL
- COMMINGLING: PROHIBITION IN PRACTICE
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- MEASURE NEXT GENERATION NETWORKS BY NEXT GENERATION STANDARDS
- RECOMMENDATIONS: FORCE ILECS TO PLAY BY -- NOT WITH -- THE RULES



BroadRiver Communication Corporation

INTRODUCTION

• BROADRIVER COMMUNICATIONS IS A START-UP TELECOMMUNICATIONS COMPANY BASED IN ATLANTA, GA

- NOVEMBER 1999: COMPANY FOUNDED
- AUGUST 2000: NOC OPERATIONAL
- DECEMBER 2000: FIRST CUSTOMER TURN-UP
- FEBRUARY 2001: OPERATIONAL IN 3 STATES-- FL, GA AND TN;
CERTIFICATION OBTAINED IN 15 STATES

• ADVANCED VOICE-OVER-IP (VOIP) TECHNOLOGY

- SINGLE, CONVERGED NETWORK
- SOFTSWITCHES
- TRUNKING GATEWAYS
- CUSTOMER INTEGRATED ACCESS DEVICES (IADs)

• VALUE PROPOSITION

- CAPITAL-EFFICIENT, NEXT GENERATION FACILITIES-BASED PROVIDER
- LEADING INTEGRATOR FOR CISCO SYSTEMS "VOIP" SOLUTION
- FLEXIBLE NETWORK TOPOLOGY-- BANDWIDTH AGNOSTIC



INTRODUCTION (CONT.)

BroadRiver Communication Corporation

- BROADRIVER BUSINESS MODEL IS HIGHLY RELIANT ON THE ENFORCEMENT OF THE PRO-COMPETITIVE PROVISIONS OF THE TELECOMMUNICATIONS ACT OF 1996
 - COMMITTED TO SUCCESSFUL DEPLOYMENT VOIP
 - FUNDS MOST EFFICIENTLY SPENT IN DEVELOPMENT OF VOIP TECHNOLOGY, NOT IN PHYSICALLY OVERBUILDING NETWORK INFRASTRUCTURE
 - USE OF EXISTING ILEC TRANSPORT/LOOPS (UNES/EELS) CRITICAL

NEXT GENERATION NETWORKS USE OF EELS



BroadRiver Communication Corporation

- BROADRIVER IS NOT DOING BUSINESS "AS-IS"
 - BROADRIVER IS DRIVING *STATE-OF-THE-ART INTELLIGENT BROADBAND FACILITIES* TO THE CUSTOMER WHERE ILECS HAVE NOT DEPLOYED SPECIAL ACCESS CIRCUITS ("AS-IS")
- COMPETITION IS NOT TOLL-BYPASS
 - BROADRIVER DRIVES BROADBAND LOCAL EXCHANGE, LONG DISTANCE, DATA, APPLICATIONS & INTERNET SERVICES TO THE END USER *USING AN INTELLIGENT COMBINATION OF BROADRIVER FACILITIES AND UNBUNDLED LOOP AND TRANSPORT*. GREATER BANDWIDTH, GREATER USE, GREATER UNIVERSAL SERVICE COLLECTIONS.
- SILENCE IS NOT CONSENT
 - BROADRIVER INVESTED IN TECHNOLOGY, TALENT AND FACILITIES, NOT ADVOCACY. RULES TO DATE HAVE BEEN SHAPED BY ILECS, IXCS AND OLDER CLECS.

"CURRENTLY COMBINED" IS THE 8TH CIRCUIT'S
CREATURE, NOT THE NATION'S RULE



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... AT LEAST EQUAL IN QUALITY TO THAT WHICH THE ILEC PROVIDES TO ITSELF

ILECS ROUTINELY COMBINE LOOP & TRANSPORT

ORDINARILY COMBINED

EVERYWHERE BUT THE 8TH CIRCUIT

BFR PROCESS

"PRODUCTIZED"

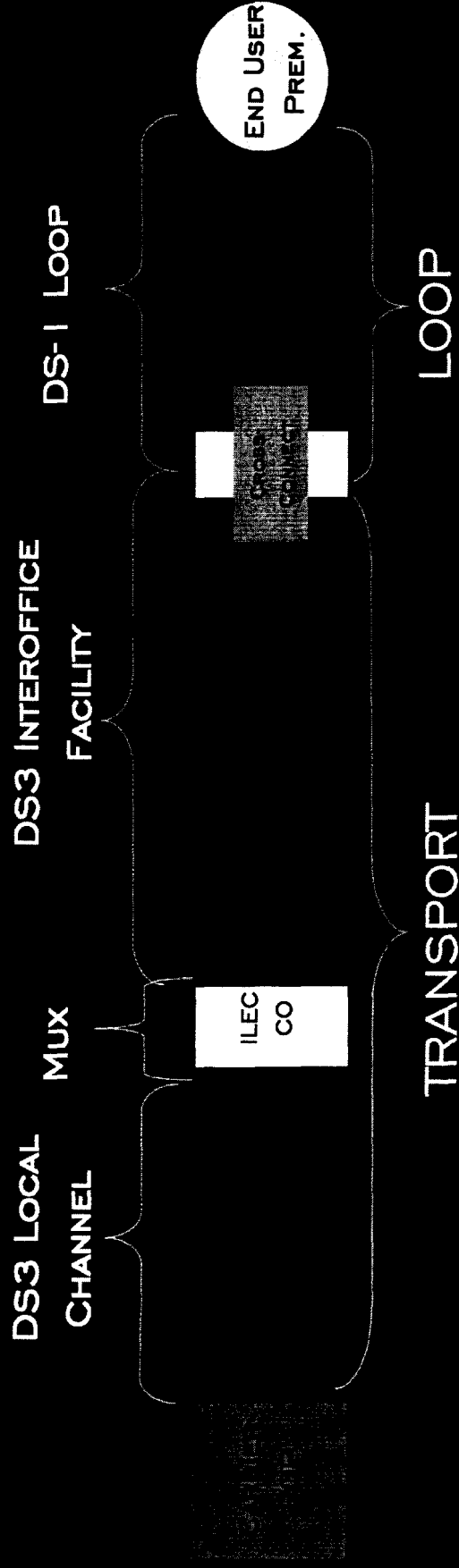
EELS: ALMOST ALWAYS COMBINED



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EXAMPLE: SPECIAL ACCESS CIRCUIT

- TYPICAL IXC CONFIGURATION
- DS1 LOOP + MUX + DS3 INTEROFFICE + DS3 LOCAL CHANNEL
(E.G. DS3 IS TRANSPORT)



CONVERSION OF THIS CIRCUIT IS PERMITTED IF IT MEETS THE
"SIGNIFICANT LOCAL USAGE" REQUIREMENTS

EELS: ALMOST ALWAYS REQUIRED



BroadRiver Communication Corporation

	<u>LOWER LEVEL OF COMPETITION</u>	<u>HIGHER LEVEL OF COMPETITION</u>
<u>UNE PLATFORM</u> <u>(SWITCHING +</u> <u>TRANSPORT + LOOP)</u> <u>MEETS "IMPAIR"</u> <u>STANDARD</u>	OUTSIDE DENSITY ZONE 1 OF TOP 50 MSAS AND INSIDE DENSITY ZONE 1 OF TOP 50 MSA FOR END USERS WITH 3 OR LESS LINES	
<u>EELS (LOOP +</u> <u>TRANSPORT) MEET</u> <u>"IMPAIR" STANDARD</u>	LOGICALLY, EELS MUST BE MADE AVAILABLE IN AREAS OUTSIDE DENSITY ZONE 1 OF TOP 50 MSAS AND INSIDE DENSITY ZONE 1 OF TOP 50 MSA FOR END USERS WITH 3 OR LESS LINES	END USERS WITH 4 OR MORE LINES INSIDE DENSITY ZONE 1 OF TOP 50 MSAS

"UNBUNDLING" AN EXISTING DS-1 CIRCUIT



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NOT

"CURRENTLY
COMBINED"

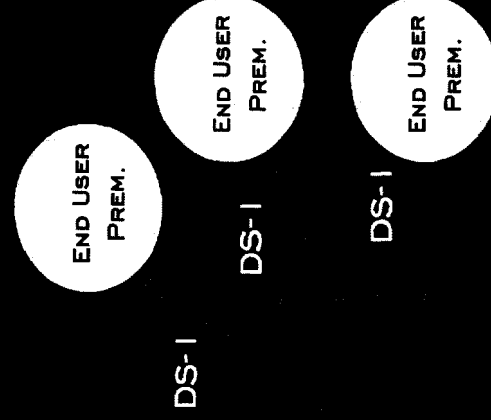
INSTALL

NEW

FACILITIES

"SWING"

CIRCUIT



DS-1

DS-1

DS-1

DS-3 (1)

DS-3 (2)

LEC SWC

LEC END

CROSS-
CONNECT
OFFICE

LOCAL

CHANNEL

INTEROFFICE

CHANNEL

LOOP

"UNBUNDLING" PRICE



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SPECIAL ACCESS DS-1

(ASSUMING INTEROFFICE CHANNEL RUNNING 7 MILES)

	NONRECURRING	RECURRING
1ST LOCAL CHANNEL-	665.00	117.00
2ND LOCAL CHANNEL-	315.00	117.00
INTEROFFICE CHANNEL-	265.00	90.00
INTEROFFICE MILEAGE-		196.00 (7 MILES @ \$28.00/MILE)
TOTAL	1245.00	520.00

MINIMUM SERVICE PERIOD FOR A DS-1 SPECIAL ACCESS CIRCUIT IS ONE MONTH

SOURCE:

- RATES: BELL SOUTH-GEORGIA ACCESS TARIFF, SECTION E.7.5.6, SPECIAL ACCESS RATES & CHARGES
- MINIMUM TERM: MONTH TO MONTH SERVICE, BELL SOUTH-GEORGIA ACCESS TARIFF, SECTION E7.4.4, MINIMUM PERIODS

"UNBUNDLING" PRICE



BroadRiver Communication Corporation

UNE TELRIC PRICING

	NONRECURRING	RECURRING
LOCAL LOOP	627.44	52.40
INTEROFFICE CHANNEL	166.88	38.36
INTEROFFICE MILEAGE		3.17 (\$0.4523 @ 7 MILES)
LOCAL CHANNEL	142.64	78.47
TOTAL	936.96	172.40

APPROX 1/3 OF
SPECIAL ACCESS
PRICING

SOURCE:

PRICING BELL SOUTH SGAT- VERSION 3RD QUARTER 2000 11/07/00
GEORGIA/ATLANTA

COMMINGLING: PROHIBITION IN PRACTICE



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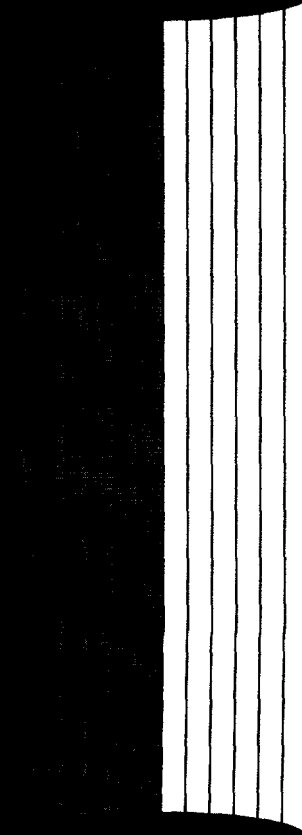
- CLECS MAY SELF-CERTIFY LOCAL USAGE
 - BUT ILECS “SCRUB” ORDERS & REFUSE TO PROVIDE LISTS OF QUALIFYING CUSTOMER CIRCUIT IDS
- CLECS MAY ORDER EELS AS UNE LOOP & TRANSPORT, TARIFFED MUX
 - BUT ILECS REQUIRE CLECS TO ORDER TARIFFED LOOP AND TARIFFED TRANSPORT
- “UNBUNDLED” MEANS SEPARATE PRICES, NOT SEPARATE ELEMENTS
 - BUT IXCs/CLECS MUST:
 - SEPARATE UNE TRAFFIC TO EXPENSIVE SEPARATE ILEC SPECIAL ACCESS FACILITIES
 - HOT CUT THE END USER TO THOSE FACILITIES
 - ONLY THEN, WILL ILECS “UNBUNDLE” THE LOOP AND TRANSPORT FROM RETAIL SPECIAL ACCESS TO COST-BASED UNE

DON'T PENALIZE PROGRESS: EQUIVALENT BANDWIDTH



BroadRiver Communication Corporation

CHANNELIZED CIRCUIT (768 KBPS)



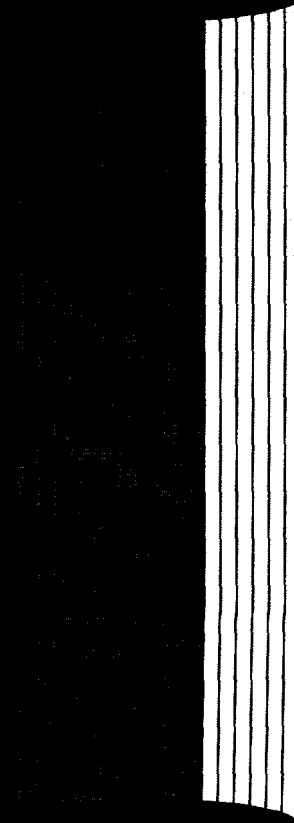
12 LINES/CHANNELS

VOICE (6) @ 64KBPS = 384KBPS

DATA (6) @ 64KBPS = 384KBPS

TOTAL CIRCUIT = 768KBPS

EQUIVALENT BANDWIDTH CIRCUIT (768 KBPS)



IT IS THE "EB" OF A VOICE TRANSMISSION THAT IS THE RELEVANT METRIC FOR
DETERMINING TRAFFIC ALLOCATIONS

MEASURE NEXT GENERATION NETWORKS BY NEXT GENERATION STANDARDS



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EXAMPLE: SAFE HARBOR #3

1. AT LEAST 50 PERCENT OF THE ACTIVATED CHANNELS ON A CIRCUIT ARE USED TO PROVIDE ORIGINATING AND TERMINATING LOCAL DIALTONE SERVICE; AND
2. AT LEAST 50 PERCENT OF THE TRAFFIC ON EACH OF THESE LOCAL DIALTONE CHANNELS IS LOCAL VOICE, AND
3. THE ENTIRE LOOP FACILITY HAS AT LEAST 33 PERCENT LOCAL VOICE.

VOICE (12) @ 32KBPS = 384KBPS

DATA (6) @ 64KBPS = 384KBPS

TOTAL CIRCUIT = 768KBPS

*QUESTION:
HOW TO ACCOUNT
FOR TIME?*

RECOMMENDATIONS: FORCE ILECS TO PLAY BY -- NOT WITH -- THE RULES



BroadRiver Communication Corporation

- ENFORCE NON-DISCRIMINATION
 - SPECIAL ACCESS IS NOTHING NEW.
 - ILECS ROUTINELY *COMBINE* LOOP AND TRANSPORT FOR *THEMSELVES*.
 - REQUIRE ILECS TO PROVIDE EELS TO CLECS WHERE ILECS *ORDINARILY COMBINE* THESE CIRCUITS.
- REMOVE NONSENSICAL RESTRICTIONS
 - IF THE CLEC IS THE CUSTOMER'S *EXCLUSIVE* LOCAL SERVICE PROVIDER, WHY SHOULD THE CLEC CERTIFY THAT LOCAL SERVICE OVER THAT EEL IS *SIGNIFICANT*?
 - HOW MUCH MORE "SIGNIFICANT" CAN THE CLEC MAKE IT?
- DON'T PENALIZE PROGRESS
 - MEASURE NEXT GENERATION NETWORKS BY NEXT GENERATION, NOT LEGACY STANDARDS.
- LEVEL THE PLAYING FIELD
 - IF CIRCUIT TAKES 7 DAYS TO PROVISION WHEN ITS SPECIAL ACCESS, IT SHOULD NOT TAKE 20 DAYS TO PROVISION WHEN IT'S A UNE.
- PUNISH BAD BEHAVIOR
 - CLECS MUST INVEST IN TECHNOLOGY, DEPLOYMENT, AND CUSTOMER CARE, NOT ADVOCACY, INTERPRETATION AND ENFORCEMENT.
 - CLECS ARE RUNNING OUT OF TIME AND MONEY REQUIRED TO FORCE ILECS TO PLAY BY THE RULES.

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